

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JILLIAN SCHROTBERGER

Plaintiff,

v.

JOHN DOE, as the ADMINISTRATOR of the
ESTATE OF ANDREAS SCHNEIDER-
NEUREITHER; ET AL.

Defendants.

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: Civil Action No. 2:21-CV-00364-JMY
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**PLAINTIFF’S REPLY IN FURTHER SUPPORT OF HER MOTION
FOR ALTERNATIVE SERVICE UPON SN ASSETS AMERICAS, LLC**

Plaintiff Jillian Schrotberger (“Schrotberger”), by and through her undersigned counsel, respectfully submits this reply in further support of her Motion for Alternative Service Upon SN Assets Americas, LLC (“SN Assets”).

I. ARGUMENT

SN Assets has not set forth a compelling argument why Schrotberger should not be granted the relief she seeks to serve SN Assets by an alternative method. For the following reasons, SN Assets’ objections to alternative service are without merit and, therefore, Schrotberger’s Motion for Alternative Service should be granted.

First, contrary to SN Assets’ position, Schrotberger’s Motion for Alternative Service should not be denied as moot in light of SN Assets’ Motion to Dismiss, (Doc. no. 18). As set forth in Plaintiff’s Memorandum of Law in Opposition to SN Assets’ Motion to Dismiss (Doc. no. 20), this Court has personal jurisdiction arising from SN Assets’ continuous contacts with Pennsylvania specific to Schrotberger’s claims. Because this Court has personal jurisdiction and

Schrotberger has set forth sufficient grounds warranting alternative service, Schrotberger's Motion for Alternative Service should be granted.

Second, SN Assets improperly focuses upon the allegations set forth in the Complaint as they relate to the conduct of SN Assets and whether these allegations sets forth an actionable claim. Schrotberger's allegations set forth actionable claims against SN Assets for its acts and omissions. Crucially, however, that is not at issue in the Motion for Alternative Service presently before the Court. SN Assets' arguments regarding the merits of Schrotberger's claims are misplaced and premature when Schrotberger is still attempting to formally effectuate service of process on SN Assets.

Third, to the extent SN Assets argues the validity of Schrotberger's attempted service via certified mail and personal service, this misses the mark of Schrotberger's Motion. Schrotberger is aware that service has been contested by SN Assets as improper; thus, she presently seeks alternative service, understanding that the prior attempts at service were allegedly unsuccessful despite Scherotberger's best efforts.

Fourth, SN Assets incorrectly asserts that Schrotberger has not made a good faith investigation to locate and serve SN Assets. In advancing this argument, SN Assets wholly ignores the Attorney Declaration of Lorena E. Ahumada, attached as Exhibit A to Schrotberger's Motion for Alternative Service, and its supporting exhibits, all of which demonstrate that the addresses associated with SN Assets and its now defunct registered agent are those at which Schrotberger has attempted service to no avail. *See* Memorandum of Law in Support of Motion for Alternative Service at 5; Ex. A. Although SN Assets contends that Schrotberger did not make a good faith effort to locate SN Assets, its suggested avenues for further research will not be effective. Importantly, SN Assets is not a business with a storefront nor does it have a living

corporate officer therewith who can be served with process. Therefore, inquiries with former employees or postal authorities will not reveal any additional information beyond what Schrotberger has already found and which has proven unhelpful in attempts to locate and serve SN Assets.

Finally, Schrotberger has met her burden to be granted alternative service, demonstrating that she has (1) made a good faith effort to locate SN Assets, (2) made a good faith effort to serve under the circumstances, and (3) proposed methods of alternative service reasonably calculated to provide SN Assets with notice.

II. CONCLUSION

For the foregoing reasons, plaintiff, Jillian Schrotberger respectfully requests that this Honorable Court grant her Motion for Alternative Service.

Respectfully submitted,

KLEINBARD LLC

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Counsel for Plaintiff, Jillian Schrotberger

Dated: August 10, 2021

CERTIFICATE OF SERVICE

I, Samantha G. Zimmer, hereby certify that on this 10th day of August 2021, a true and correct copy of the foregoing Reply in Further Support of Plaintiff's Motion for Alternative Service Upon SN Assets Americas, LLC, has been filed electronically and is available for viewing and downloading from the Court's ECF system. I further certify that I caused a true and correct copy of the same to be served upon the following in the manner indicated below:

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